(23)

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A. No. 954 of 2005

Appellant		National Insurance Co. Ltd. Through its Assistant Manager, B-1, Taha Complex, 2nd Floor, Ring Road No.2, Priyadarshini Nagar, Bilaspur, Chhattisgarh.
	Versus	
Respondents	1.	Pyarelal, S/o Tiharu Halba, aged about 40 years, Occupation- Driver of Truck No. C.G. 07/C-0770, R/o Village: Kamta, P.S. Dondi, District: Durg, Chhattisgarh.
	2.	Sadanand Swami, S/o I.R.Swami, aged about 45 years, Occupation- Owner of Truck No. C.G. 07/C-0770, R/o Friends Tailors, New Bus Stand, Dallirajhara, District-Durg, Chhattisgarh.
	3.	Ku. Annupa, D/o Kanhaiyalal Sahu, aged about 9 years (minor), Through her father Kanhaiyalal Sahu, S/o Bhulauram Sahu, aged about 42 years, R/o Salhedhore, Tehsil- Lormi, District- Bilaspur, Chhattisgarh.

DB: Hon'ble Shri Justice S. R. Nayak, C.J.
& Hon'ble Shri Justice Satish K. Agnihotri, J.

Mr. Sanjay K. Agarwal, Advocate, for the appellant.

Mr. Avinash K. Mishra, Advocate for the Respondent No.3.

ORAL ORDER

(14th December 2005)

The following order of the Court was passed by **S. R. Nayak, C.J.**

1. This is an appeal by the Insurance Company. In the impugned award the M.A.C.T. has recorded a finding that the driver of the motor vehicle involved in the accident on the date of accident did not have valid and effective driving licence. In that view of the matter, it has fastened the liability on the owner of the vehicle involved in the accident. However, M.A.C.T. has directed the

Insurance Company to deposit the compensation in the first instance and then to take appropriate steps for recovery of the amount from the insured. What has been done by the M.A.C.T. is in accordance with the law as laid down by the Supreme Court in **National Insurance Company Ltd. Vs. Swarn Singh and others** (2004[3] S.C.C. 297).

2. In that view of the matter, we do not find any merit in this appeal. It is accordingly dismissed. No costs.

Sd/-
Chief Justice

Sd/-
SATISH K. AGNIHOTRI
Judge

Thakur